

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COLLEEN SAMMY,

Plaintiff,

**ORDER**

-against-

**13-CV-6134 (NGG) (RML)**

FCLS CAR AND LIMOUSINE SERVICES INC.,  
FCLS CORP., and WAEL ABDELATIF,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

On November 4, 2013, Plaintiff Colleen Sammy commenced this action, bringing claims for unpaid overtime wages under the Fair Labor Standards Act, 29 U.S.C. §§ 201, et seq., and New York Labor Law §§ 650, et seq. (See Compl. (Dkt. 1).) The Clerk of Court entered the Defendants' default on January 21, 2014. (Clerk's Entry of Default (Dkt. 9).) On April 2, 2014, Plaintiff moved for a default judgment (Pl.'s Mot. for Default J. (Dkt. 13)), and the court referred Plaintiff's motion to Magistrate Judge Robert M. Levy for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b)(1). (April 7, 2014, Order (Dkt. 15).) Judge Levy conducted evidentiary hearings on June 23, 2014, and November 6, 2014, and received supplemental submissions on November 25, 2014, and December 9, 2014. (See R&R (Dkt. 29) at 1.) On December 8, 2014, Plaintiff filed an Amended Complaint. (Am. Compl. (Dkt. 27).) On February 10, 2015, Judge Levy issued an R&R recommending that Plaintiff's Motion be denied without prejudice to a similar motion on the Amended Complaint.<sup>1</sup> (R&R at 2.)

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<sup>1</sup> Subsequent to the issuance of Judge Levy's R&R, Defendants filed an Answer to the Amended Complaint (Dkt. 30); Plaintiff may no longer be able to seek a default judgment on the Amended Complaint.

No party has objected to Judge Levy's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also R&R at 2 ("Any objections to this Report and Recommendation must be filed with the Clerk of the Court, with courtesy copies to Judge Garaufis and my chambers, within fourteen days. Failure to file objections within the specified time waives the right to appeal the district court's order.").) Therefore, the court reviews the R&R for clear error. See *Gesualdi v. Mack Excavation & Trailer Serv., Inc.*, No. 09-CV-2502 (KAM), 2010 WL 985294, at \*1 (E.D.N.Y. Mar. 15, 2010); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court adopts the R&R in full. See *Porter v. Potter*, 219 F. App'x 112 (2d Cir. 2007).

Accordingly, the court ADOPTS IN FULL the R&R. Plaintiff's Motion for a Default Judgment (Dkt. 13) is DENIED.

SO ORDERED.

Dated: Brooklyn, New York  
March 2, 2015

s/Nicholas G. Garaufis  
NICHOLAS G. GARAUFIS  
United States District Judge